

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

JOSEPH E. TRAUB REVOCABLE TRUST,

Plaintiff,

Case No. 1:22-cv-10719

v.

Honorable Thomas L. Ludington
United States District Judge

INTERLUDE, a sailing vessel,

Defendant.

/

ORDER GRANTING MOTION FOR ARREST OF VESSEL

This is an *in rem* maritime petitory action brought under the Federal Rules of Civil Procedure's Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions ("Supplemental Rules"). According to the Complaint, Plaintiff purchased the sailing vessel "Interlude" in 2010 without notice of a ship mortgage that had been granted to nonparty creditor Security Marine Creditcorp, Inc. in 1987. *See* ECF No. 1 at PageID.3–7. Plaintiff brings this action to quiet title over the vessel. *Id.* at PageID.9–11.

Plaintiff has filed a motion to arrest the Interlude. ECF No. 4. Supplemental Rule C provides:

(3) Judicial Authorization and Process.

(a) Arrest Warrant.

(i) The court must review the complaint and any supporting papers. If the conditions for an *in rem* action appear to exist, the court must issue an order directing the clerk to issue a warrant for the arrest of the vessel or other property that is the subject of the action.

SUPP. R. C(3); *see also* SUPP. R. D ("In all actions for possession, partition, and to try title maintainable according to the course of the admiralty practice with respect to a vessel, . . . the process shall be by a warrant of arrest of the vessel . . .").

Under Supplemental Rule C, an *in rem* complaint must “(a) be verified; (b) describe with reasonable particularity the property that is the subject of the action; and (c) state that the property is within the district or will be within the district while the action is pending.” SUPP. R. C(2).

Having reviewed the Complaint, this Court is satisfied that the “the conditions for an *in rem* action appear to exist.” SUPP. R. C(3); *see also Mullane v. Chambers*, 333 F.3d 322, 327 (1st Cir. 2003) (“It is beyond dispute that admiralty jurisdiction extends to possessory and petitory actions.”) (collecting cases).

Accordingly, it is **ORDERED** that:

1. The Clerk of the Court is **DIRECTED**, under Supplemental Rule D, to issue a warrant for the arrest of the vessel INTERLUDE, a certain 1987 Gozzard sailing vessel that is 36'9" in overall length and is more particularly described by her U.S. Coast Guard Official Number 917766, State of Michigan Registration Number MC5000RL, and Hull Identification Number [HIN]: ZKR36023B787, together with her engines, tackle, fittings, gear, tenders, electronics, and appurtenances;
2. The Clerk of the Court is **DIRECTED** to deliver such warrant to the United States Marshal for service; and
3. Plaintiff is **DIRECTED** to make such arrangements with the U.S. Marshal Service as they may require to effectuate the arrest.

Dated: May 2, 2022

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge